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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,978	06/10/2004	Lydia Breck	03292.101070.3 3977	
	7590 02/20/2007 CELLA (AMEX)		EXAMINER	
30 ROCKEFEL	LER PLAZA	NEWTON, JARED W		
NEW YORK, NY 10112			ART UNIT	PAPER NUMBER
			3692	
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SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MOI	NTHS	02/20/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

1)⊠ Responsive to communication(s) filed on 10 June 2004. 2a)□ This action is FINAL. 2b)⊠ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☑ Claim(s) 1 and 2 is/are pending in the application. 4a) Of the above claim(s)			App	lication No.	Applicant(s)			
Jared W. Newton Jared	Office Action Summary		10/7	10/709,978 BRECK ET AL		,		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address—Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Expressor of their may be availate under the provision of 37 CFR 1.19(5), in to event, however, may another time find in 100 period for resty is a profiled above, the maximum statutory pried will apply and will express SK (8) MONTHS from the mailing date of the communication in 100 period for resty is a profiled above, the maximum statutory pried will apply and will express SK (8) MONTHS from the mailing date of the communication of the pried to the communication, even if unitely feed, may reduce any sense paper and the pried to the communication, even if unitely feed, may reduce any sense paper sense and pried to the communication, even if unitely feed, may reduce any sense paper sense and paper in the application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 463 O.G. 213. Disposition of Claims 4) Science (1) and 2 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) claim(s) is/are allowed. 6) Claim(s) 1 and 2 is/are rejected. 7) Claim(s) is/are objected to by the Examiner. 6) Claim(s) 1 and 2 is/are rejected. 7) Claim(s) is/are objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The drawing(s) filed on 10 June 2004 is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) Claim(s) is/are objected to by the Examiner. 10) And the drawing(s) filed on 10 June 2004 is/are: a) accepted or b) objected to be objected to see a condition of the pried			Exar	miner	Art Unit			
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Ebbsosios for the may be evaluate under the provision of 30° FR1 1360, in no event, however, may a reply be limely filled after 50X (6) MODITIS from the mailing date of this communication. Faller is reply which the stor overabled perild for right via by a faller, such the supply and will easier SIX (6) MOTITIS from the mailing date of this communication. Faller is reply which the stor overabled perild for right via by a fallor, such the supply and will easier SIX (6) MOTITIS from the mailing date of this communication. Part is reply received by the Office later than these months after the mailing date of this communication, even if timely fised, may reduce any centre optate lam signature. Status 1) ■ Responsive to communication (s) filled on 10 June 2004. 2a) □ This action is FINAL 2b) ☑ This action is non-final. 3) □ Since this application is in condition for allowance except for format matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1 and 2 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) □ Claim(s) 1 and 2 is/are rejected. 5) □ Claim(s) 2 is/are allowed. 5) □ Claim(s) 3 is/are allowed. 6) □ Claim(s) 3 is/are allowed. 7) □ Claim(s) 3 is/are allowed. 8) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on 10 June 2004 is/are: all □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on 10 June 2004 is/are: all □ accepted or b) □ objected to by the Examiner. Application from the major of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 11 □ The oath or declaration is objected to by the Examiner. 110 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 12 □ Acknowledgment is made of a claim for f			nication appears o	on the cover shee	et with the correspondence	address		
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Application/Control Number: 10/709,978

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DETAILED ACTION

Priority

This application is a division of Application No. 09/800,461 filed March 7, 2001, which claims priority from Provisional Application No. 60/187,620 filed March 7, 2000.

Information Disclosure Statement

The information disclosure statement filed August 1, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,826,241 to Stein et al. (Stein).

In regard to claim 1, Stein discloses a method and payment system for facilitating secure financial transactions between two users (i.e. a merchant and customer) over the internet; the transaction of funds occurs via messages sent between the users (see

FIGS. 5 and 6A-Q). The system employs a front end program 90 and a back end program 92, wherein the front end program provides only limited information regarding a user's account (credit or other), providing a user with heightened security by isolating the account identifying information (see FIG. 3; see Abstract). Within said method and system, Stein discloses a method for dispute handling comprising the steps of: receiving a dispute from a first party (see col. 11, line 54 – col. 12, line 7) relating to a transaction involving a secondary transaction number 142 or 144 (see col. 7, lines 58-67) associated with at least one primary account ("cardholder account"); retrieving transaction information from a stored data file 114 (see FIG. 3; see also col. 5, lines 65-67); replacing the primary account number with the secondary transaction number to initiate a second party inquiry (see col. 12, lines 1-7); wherein the second party inquiry references only the secondary transaction number (see id.).

In regard to claim 2, Stein further discloses the steps of: determining if a valid approval code is associated with the secondary transaction number in payout-chargeback-notification message sent to seller (see col. 12, lines 1-7); and charging back to the second party the amount of the transaction, if a valid approval code does not exist. Stein discloses the buyer's (first party's) indication 152 of willingness to allow transfer of funds via message 150 (see FIG. 6F). Said willingness corresponds to identifiers 142 and 144, and acts as a transaction approval code or signal. It follows that if willingness indicator 152 is "no" or "fraud" (i.e. if the valid approval indicator "yes" does not exist) (see col. 8, lines 11-18), and the transaction occurs, then the dispute will be

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resolved in favor of the buyer, and the chargeback will occur (see col. 11, line 54 – col. 12, line 7).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US Patent App. Pub. No. 2004/0006539 to Royer et al.
- US Patent App. Pub. No. 2004/0083184 to Tsuei et al.
- US Patent App. Pub. No. 2003/0018567 to Flitcroft et al.
- US Patent No. 7,136,835 to Flitcroft et al.
- US Patent No. 7,100,821 to Rasti
- US Patent No. 6,636,833 to Flitcroft et al.
- US Patent No. 6,336,095 to Rosen
- US Patent No. 6,330,544 to Walker et al.
- US Patent No. 5,453,601 to Rosen
- UK Patent App. No. GB 2361790 to Arndt
- Lamond, "Credit Card Transactions Real World and Online" © 1996
- Gabber et al., "Agora: A Minimal Distributed Protocol for Electronic Commerce," USENIX November 18, 1996.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000

Jared W. Newton February 13, 2007 JWN RICHARD E. CHILCOT, JR.